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O'HARA LAW APC

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Attorney for Plaintiffs,
ARMANDO SALGADO SR. and ARLINDA SALGADO

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ARMANDO SALGADO SR., an individual, and
ARLINDA SALGADO, an individual, and as
successor in interest to deceased ARMANDO
ADAM SALGADO,

Plaintiffs,

vs.

COUNTY OF SAN JOAQUIN; PATRICK
WITHROW, an individual; FELIPE
MENDOZA, an individual; and DOES 1 to 10,
inclusive,

Defendants.

CASE NO.: 2:22-cv-01024-MCE-AC

**JOINT STIPULATION FOR AN ORDER
TO CONTINUE INITIAL PRETRIAL
SCHEDULING ORDER DATES;
ORDER**

IT IS HEREBY STIPULATED BY AND BETWEEN COUNSEL OF RECORD HEREIN:

Plaintiffs and Defendants by and through their respective counsels of record, hereby
stipulate, agree, and represent to the Court as follows:

1. Whereas, the Complaint in this matter was filed on June 13, 2022;

2. Whereas, the Court issued an Initial Pretrial Scheduling Order on June 13, 2022, which states that “the Initial Pretrial Scheduling Order shall not be modified except by leave of court upon a showing of **good cause** (emphasis in original);”

3. Whereas, Plaintiffs’ counsel, Kevin O’Hara, is now scheduled to commence trial in the matter of *Juan Menjivar Castillo et al. v. Foster Dairy Farms, Inc. et al.* (STK-CV-UPI-2019-16283, San Joaquin County) on July 10, 2023, with a trial estimate of 4-6 weeks, rendering Mr. O’Hara unavailable for depositions and other matters in this case over that time frame. This case was not previously set for trial on July 10, 2023 (at the time of the Court’s Initial Pretrial Scheduling Order, or at the time Plaintiff’s counsel and Defense counsel met and conferred on dates). This case is a disputed liability event involving multiple collisions, multiple semi-trucks, multiple injured parties, multiple wrongful death claimants, and cross-actions.

4. Whereas, the parties have continued to engage diligently in fact discovery but there are remaining fact witness depositions to be taken, including but not limited to, the depositions of Armando Salgado Sr., Arlinda Salgado, Felipe Mendoza, and Patrick Withrow;

5. Whereas, Defendants are amenable to a brief continuance of the Initial Pretrial Scheduling dates and trial, subject to the Court’s approval, to accommodate Mr. O’Hara’s schedule and permit the parties to complete discovery in this matter;

6. Whereas, the parties met and conferred and respectfully request that the Court modify its Initial Pretrial Scheduling Order to continue all currently set dates by 90 days;

7. Whereas, a 90-day continuance will result in the following schedule:

Discovery Cutoff:	November 15, 2023
Expert Disclosure Deadline:	January 16, 2023
Rebuttal Expert Disclosure Deadline:	February 15, 2023
Expert Discovery Cutoff Deadline:	April 27, 2024
Dispositive Motion Filing Cutoff Deadline:	June 5, 2024
Pretrial Conference:	To be scheduled within 3-4 weeks of trial
Trial:	Not yet assigned

1 8. Whereas, the parties have made no prior requests for a continuance of the Initial
2 Pretrial Scheduling Order dates;

3 9. Accordingly, the parties hereby stipulate, and respectfully request, that the Court
4 continue all Initial Pretrial Scheduling Order dates by 90 days and schedule a Case Management
5 Conference to set the Pretrial Conference and Trial thereafter.

6 Dated: July 7, 2023

LAW OFFICES OF VICKI I. SARMIENTO
O'HARA LAW

/s/Vicki I. Sarmiento /s/Kevin O'Hara

VICKI I. SARMIENTO

KEVIN O. O'HARA

Attorneys for Plaintiffs,

ARMANDO SALGADO SR., an individual, and ARLINDA
SALGADO, an individual, and as successor in interest to
deceased ARMANDO ADAM SALGADO

14 Dated: July 7, 2023

BURKE, WILLIAMS & SORESENSEN, LLP

/s/Temitayo O. Peters

GREGORY B. THOMAS

TEMITAYO O. PETERS

Attorneys for Defendants,

COUNTY OF SAN JOAQUIN; PATRICK WITHROW, an
individual; and FELIPE MENDOZA, an individual

ORDER

The Court having considered Plaintiffs and Defendants Joint Stipulation for an Order to Continue Initial Pretrial Scheduling Order Dates, IT IS HEREBY ORDERED THAT:

Discovery Cutoff: November 15, 2023

Expert Disclosure Deadline: January 16, 2024

Rebuttal Expert Disclosure Deadline: February 15, 2024

Expert Discovery Cutoff Deadline: April 27, 2024


Dispositive Motion Filing Cutoff Deadline: June 5, 2024

Pretrial Conference: To be scheduled within 3-4 weeks of trial

Trial: Not yet assigned

IT IS SO ORDERED.

Dated: July 11, 2023



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE